

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENWOOD DIVISION

Jimmy Shane Gable,	)	C/A NO. 8:07-3138-CMC-BHH
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Captain Garry Bryant, Nurse Wally	)	
Hampton, Nurse Karen Black, Nurse	)	
Harvey, Nurse Langston, Officer Hill,	)	
Officer Culbertson, Joey Preston,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on Plaintiff's *pro se* complaint, filed in this court pursuant to 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(d), DSC, this matter was referred to United States Magistrate Judge Bruce Howe Hendricks for pre-trial proceedings and a Report and Recommendation ("Report"). On May 27, 2008, the Magistrate Judge issued a Report recommending that Defendants' motion for summary judgment be granted and Plaintiff's federal causes of action be dismissed with prejudice and his state causes of action, to the extent such are asserted by Plaintiff, be dismissed. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. Plaintiff filed objections to the Report on June 12, 2008, to which Defendants responded on June 18, 2008.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court.

*See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, the Report and Recommendation of the Magistrate Judge, and Plaintiff's objections, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff has failed to offer any argument to overcome the conclusions of the Magistrate Judge, which this court finds are correct. Therefore, Defendants' motion for summary judgment is **granted** and the causes of action relating to federal constitutional or statutory violations, brought in this court pursuant to 42 U.S.C. § 1983, are dismissed with prejudice. To the extent Plaintiff has raised state law causes of action, this court declines to exercise supplemental jurisdiction over such claims and they are, as presented, dismissed without prejudice.

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
July 8, 2008